

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**EARL POWELL**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 20A-UI-14175-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/23/20**  
**Claimant: Appellant (1R)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

On November 3, 2020, the claimant filed an appeal from the October 27, 2020, (reference 01) unemployment insurance decision that found claimant overpaid REGULAR unemployment insurance benefits. The claimant was properly notified about the hearing. A telephone hearing was held on January 7, 2021. Claimant participated.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received REGULAR unemployment insurance benefits in the amount of \$1,915.00 for the five weeks ending May 9, 2020.

On May 15, 2020, Iowa Workforce Development issued a reference 01 decision denying claimant REGULAR unemployment insurance benefits based on a separation from employment. That decision has been affirmed.

The claimant was approved for Pandemic Unemployment Assistance (PUA) benefits effective February 23, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid REGULAR unemployment insurance benefits.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid REGULAR unemployment insurance benefits in the amount noted in the findings of fact above as claimant was not qualified and/or was ineligible to receive REGULAR unemployment insurance benefits.

**DECISION:**

The October 27, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,915.00.

**REMAND:**

This matter is remanded to the Benefits Bureau of Iowa Workforce Development to recover the overpayment of REGULAR benefits from the PUA (federal) benefits claimant is owed to the greatest extent possible and for all remaining PUA benefits owed to claimant be disbursed to claimant.



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Christine A. Louis  
Administrative Law Judge  
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Fax (515)478-3528

January 25, 2021  
Decision Dated and Mailed

cal/mh